

Ellen L. Darling (#149627)
Samantha K. Feld (#222612)
SNELL & WILMER L.L.P.
600 Anton Boulevard, Suite 1400
Costa Mesa, California 92626-7689
(714) 427-7000
edarling@swlaw.com
sfeld@swlaw.com

Attorneys for Defendant
PLAYTEX PRODUCTS, INC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DAVID PAZ, an individual and on
behalf of all others similarly
situated,

Plaintiff,

vs.

PLAYTEX PRODUCTS, INC., a
Delaware Corporation, and Does 1
through 100, inclusive

Defendants.

CASE NO.: 07CV2133 JM (BLM)

Honorable Jeffrey T. Miller
Courtroom 16

**DEFENDANT PLAYTEX
PRODUCTS, INC.'S AMENDED
NOTICE OF HEARING ON
DEFENDANT PLAYTEX PRODUCT
INC.'S MOTION TO DISMISS
PLAINTIFF'S COMPLAINT**

New
Hearing Date: January 18, 2008
Time: 1:30 p.m.
Courtroom: 16

Date of Removal: November 7, 2007
Trial Date: None

TO THIS HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS
OF RECORD:

PLEASE TAKE NOTICE that, pursuant to the signed Stipulation between
the parties (attached as Exhibit "A"), the December 28, 2007 hearing on Defendant
Playtex Products Inc.'s Motion to Dismiss Plaintiff's Complaint has been continued
to January 18, 2008, at 1:30 p.m., in Courtroom 16 of the above-entitled Court
located at 940 Front Street, San Diego, California, 92101. Any opposition and

Case No. 07CV2133 JM (BLM)

DEFENDANT PLAYTEX PRODUCTS' AMENDED NOTICE OF HEARING RE MOTION TO DISMISS

1 reply to Playtex's Motion to Dismiss shall be filed and served in accordance with
2 Civil Local Rule 7.1(e).

3
4 Dated: December 14, 2007

SNELL & WILMER L.L.P.

5
6 By: //Samantha K. Feld

7 Ellen L. Darling
8 Samantha K. Feld
9 Attorneys for Defendant
10 PLAYTEX PRODUCTS, INC.
11 email: sfeld@swlaw.com
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Snell & Wilmer

L.L.P.
LAW OFFICES
600 Anton Boulevard, Suite 1400
Costa Mesa, California 92626-7689
(714) 427-7000

Snell & Wilmer
LLP
LAW OFFICES
600 Anton Boulevard, Suite 1400
Costa Mesa, California 92626-7689
(714) 427-7000

1 Ellen L. Darling (#149627)
2 Samantha K. Feld (#222612)
3 SNELL & WILMER L.L.P.
4 600 Anton Boulevard, Suite 1400
5 Costa Mesa, California 92626-7689
6 (714) 427-7000
7 edarling@swlaw.com
8 sfeld@swlaw.com

9 Attorneys for Defendant
10 PLAYTEX PRODUCTS, INC.

11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

13 DAVID PAZ, an individual and on
14 behalf of all others similarly
15 situated;

16 Plaintiff,

17 vs.

18 PLAYTEX PRODUCTS, INC., a
19 Delaware Corporation, and Does 1
20 through 100, inclusive

21 Defendants.

CASE NO.: 07CV2133 JM (BLM)

Honorable Jeffrey T. Miller
Courtroom 16

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE THE
DECEMBER 28, 2007 HEARING ON
DEFENDANT PLAYTEX
PRODUCTS, INC.'S MOTION TO
DISMISS PLAINTIFF'S
COMPLAINT**

Date of Removal: 11/07/07
Trial Date: None

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 559746.2

STIPULATION TO CONTINUE THE HEARING
ON PLAYTEX'S MOTION TO DISMISS

1 Defendant Playtex Products, Inc. ("Playtex") and Plaintiff David Paz
2 ("Plaintiff"), through their respective counsel of record, hereby stipulate and agree
3 to the following:

4 1. This case was originally filed in the Superior Court of California,
5 County of San Diego, on September 28, 2008. On November 7, 2007, Playtex
6 removed the action to the United States District Court for the Southern District of
7 California, pursuant to 28 U.S.C. §§1332, 1441, 1446, and 1453.

8 2. On November 13, 2007, Playtex filed a Motion to Dismiss Plaintiff's
9 Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). That Motion is
10 scheduled to be heard on December 28, 2007.

11 3. On the same day that Playtex filed its Motion to Dismiss, Plaintiff
12 David Paz filed a Motion to Remand the action to the San Diego County Superior
13 Court. The hearing on Plaintiff's Motion to Remand was scheduled for December
14 14, 2007.

15 4. On December 11, 2007, the parties received notice that the Court has
16 taken Plaintiff's Motion to Remand under submission, and the Court vacated the
17 December 14, 2007 hearing date.

18 5. Accordingly, since the Court has not yet ruled upon Plaintiff's Motion
19 to Remand, and in the interests of judicial economy, the parties agree and request
20 an Order, pursuant to Civil Local Rules 7.1(g)(2) and 7.2, to continue the hearing
21 on Playtex's Motion to Dismiss to January 18, 2008, at 1:30 p.m., in the above-
22 referenced Court.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

Snell & Wilmer
LLP
LAW OFFICES
600 Anton Boulevard, Suite 1400
Costa Mesa, California 92626-7689
(714) 427-7000

1 **IT IS SO STIPULATED.**

2
3 Dated: December 14, 2007

SNELL & WILMER L.L.P.

4
5 By: S. Feld

6 Ellen L. Darling
7 Samantha K. Feld
8 Attorneys for Defendant
9 PLAYTEX PRODUCTS, INC.

10 Dated: December 12, 2007

Del Mar Law Group, L.L.P.

11
12 By: [Signature]

13 John H. Donboli
14 Attorney for Plaintiff
15 DAVID PAZ

16 **IT IS SO ORDERED.**

17
18 Honorable Jeffrey T. Miller
19 United States District Judge
20 Southern District of California
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 600 Anton Boulevard, Suite 1400, Costa Mesa, California 92626.

On December 14, 2007 I served, in the manner indicated below, the foregoing document described as:

DEFENDANT PLAYTEX PRODUCTS, INC.'S AMENDED NOTICE OF HEARING ON DEFENDANT PLAYTEX PRODUCT INC., 'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT

on the interested parties in this action:

PLAINTIFF COUNSEL	John H. Donboli, Esq. J.L. Sean Slattery, Esq. Del Mar Law Group, LLP 322 Eighth Street, Suite 101 Del Mar, California 92014 858.793.6244 858.793.6005, fax
--------------------------	---

X BY E-FILING: I caused such document to be sent electronically to the court; pursuant to the Southern District of California Electronic Case Filing Administrative Policies and Procedures, Section 2.d., electronic filing constitutes service upon the parties.

X FEDERAL: I declare that I am employed in the office of a member of the bar of this Court, at whose direction the service was made.

EXECUTED on December 14, 2007, at Costa Mesa, California.

//s//Cheryl Wynn
Cheryl Wynn